

Message Text

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TO AMEMBASSY MEXICO PRIORITY

UNCLAS STATE 273094

E.O. 11652: N/A

TAGS: CASC, MX(CALHOUN, JAMES WESLEY)

SUBJECT: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO:

JAMES WESLEY CALHOUN

REF: (A) STATE 194199; (B) EMBASSY'S 6509; (C) EMBASSY'S

A-70, FEBRUARY 8, 1974

1. CONGRESSMAN STARK'S OFFICE HAS RECEIVED SEVERAL COMPLAINTS OF MISTREATMENT AND DENIAL OF RIGHTS IN CALHOUN'S CASE. WE WOULD APPRECIATE INFORMATION OR ACTION ON FOLLOWING POINTS:

2. CONSULAR ACCESS: CALHOUN ALLEGES IN RESPONSE TO CONGRESSMAN STARK'S QUESTIONNAIRE THAT ON ARREST HE REQUESTED LEGAL REPRESENTATION AND NOTIFICATION OF EMBASSY AND PARENTS, BUT HE WAS NOT ALLOWED TO TELEPHONE EMBASSY UNTIL ONE WEEK LATER. YET EMBASSY'S REPORT SHOWS CONOFF SPOKE WITH HIM ON TELEPHONE TWO DAYS AFTER ARREST. FURTHER, DESPITE CLAIM IN STARK MATERIAL BY CALHOUN'S MOTHER, MRS. DAISY POINTER, THAT SHE WAS ONLY NOTIFIED OF SON'S ARREST BY CONOFF 10 DAYS AFTER LAWYER JORGE AVILES CONTACTED HER, RECORD INDICATES SHE ALSO

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RECEIVED CONOFF NOTIFICATION TWO DAYS AFTER CALHOUN'S

ARREST, AT WHICH TIME SHE WAS PROVIDED WITH NAMES OF

MEXICAN ATTORNEYS OTHER THAN AVILES. THERE APPEAR, HOWEVER, TO BE RATHER INFREQUENT SUBSEQUENT VISITS. IF CALHOUN REFUSING TO SEE CONOFF, RECORD SHOULD BE MADE IN FILE.

3. HEALTH: CALHOUN COMPLAINED 1974 OF SKIN AND DENTAL PROBLEMS. ALTHOUGH THERE IS NO FOLLOW-UP RECORD OF TREATMENT, NO SUBSEQUENT COMPLAINT IS RECORDED AND DEPARTMENT ASSUMES PROBLEMS ALLEVIATED. PLEASE CONFIRM.

4. COMMISSIONED WORK: EMBASSY FILE CONTAINS NOTATION DATED MAY 14, 1975 CALHOUN WANTED BE TRANSFERRED TO SANTA MARTA PRISON OSTENSIBLY BECAUSE HE NEEDS COMMISSIONED WORK. CALHOUN CLAIMED IN CONFIDENCE HE LOST JOB IN MOTOR WORKS BECAUSE HE REFUSED RESPOND TO HOMOSEXUAL ADVANCES OF ANOTHER PRISONER. WOULD THERE BE UTILITY IN EMBASSY WITH CALHOUN'S CONSENT DISCUSSING WITH PRISON OFFICIALS POSSIBILITY OF OTHER COMMISSIONED WORK?

5. EXTORTION BY ATTORNEY: LETTER OF 3/14/75 TO EMBASSY FROM AMERICAN LAWYER INDICATES MEXICAN ATTORNEY JORGE AVILES TELEPHONED CALHOUN'S MOTHER SAME DATE HER SON WAS ARRESTED, OFFERING TAKE CASE AND ATTEMPT OBTAIN HIS QUICK RELEASE FOR PAYMENT OF DOLS 25,000. WE PRESUME NO CONTRACT WAS SIGNED OR PAYMENT MADE, AND THUS THERE IS NO BASIS ON WHICH TO OFFER ASSISTANCE IN PROCEEDING AGAINST AVILES. IN SAME LETTER ABOVE-MENTIONED AMERICAN LAWYER REPEATED GENERAL COMPLAINTS MADE TO HIM BY OTHER PRISONERS THAT AVILES HAD ACCEPTED "MORDIDA" MONEY FROM THEM BUT NEVER PAID IT OUT, AND THAT HE HAD GAINED ACCESS TO THEIR PERSONAL PROPERTY, DISPOSED OF IT AND FAILED TO TRANSFER PROCEEDS TO THEM. SINCE THESE COMPLAINTS ALTHOUGH PLAUSIBLE ARE NOT DIRECT ONES, NO ACTION IS FEASIBLE.

6. EXTORTION AT TIME OF ARREST AND IN PRISON: PER STARK MATERIAL CALHOUN CHARGED HE WAS SUBJECTED TO EXTORTION AND WITHHOLDING OF MAIL WHILE IN PRISON. HE ALLEGED HE UNCLASSIFIED

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PAID PRISON OFFICIAL AND AIRPORT POLICE DOLS 2,000 PLUS MONTHLY PAYMENTS OF UNSPECIFIED AMOUNTS IN ORDER OBTAIN LIGHTER SENTENCE, PROTECTION, FREEDOM FROM WORK DETAILS, ROOM AND BOARD. IN ADDITION, CALHOUN'S MOTHER REPORTED TO CONGRESSMAN STARK THAT PRISON OFFICER PUT HER SON ON TELEPHONE IN APPARENTLY WEAK CONDITION TO PLEAD FOR MORE MONEY TO PREVENT PRISON OFFICERS FROM BEATING HIM FURTHER. IN VIEW OF LACK OF TIMELY COMPLAINT TO CONOFF,

THERE APPEARS LITTLE LIKELIHOOD EVIDENCE TO SUBSTANTIATE
COULD BE DEVELOPED.

7. APPEAL: EMBASSY INDICATES IN MEXICO 6509 OF 7/23/75
CALHOUN APPEALED HIS SENTENCE OF SIX YEARS. PLEASE
NOTIFY OUTCOME OF APPEAL.

8. EMBASSY REQUESTED TO CABLE NO LATER THAN 12/8/75
STATUS OF ACTIONS INITIATED OR COMPLETED ON CALHOUN. INGERSOLL

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